

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rule making related to water fowl and coot hunting**

The Natural Resource Commission hereby amends Chapter 91, “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 481A.48(2).

*Purpose and Summary*

Chapter 91 contains the regulations for hunting waterfowl and coot, and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. These amendments adjust the season dates to comply with what the Commission anticipates the 2018-2019 federal regulations will be after meeting with the U.S. Fish and Wildlife Service (USFWS) this year at the Mississippi Flyway Council and reviewing the proposed regulations contained in the Federal Register (proposed in 83 Fed. Reg. 23, 4964-4996 (Feb. 2, 2018)). The amendments also ensure that the regular seasons open on different weekends and implement a September teal season (all species).

Notably, the Commission has chosen to restructure the season dates for ducks and geese from specific calendar dates that require an annual update to a narrative time frame (e.g., going from “September 1 through September 17” to “opening on the first Saturday of September and running for 16 consecutive days”). This approach will prevent the need for mandatory annual rule making to tweak specific dates, and may allow the rules to stand for several years at a time, so long as the selected narrative time frame is still acceptable under the changing regulations of the USFWS and consistent with the harvest goals of the Commission and the Iowa Department of Natural Resources (Department). This narrative time frame is used in many other hunting seasons, so Iowa’s sportsmen and sportswomen are used to such an approach. It should be noted that while there are dates for the special teal season in the amendments, the Commission anticipates that these specific dates will remain in place for the foreseeable future. Similarly, daily bag limits for ducks will be those adopted by the USFWS and published in the Federal Register.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 14, 2018, as **ARC 3623C**. A public hearing was held on March 6, 2018, at 12 noon in Conference Room 3 E&W, Wallace State Office Building, Des Moines, Iowa. No comments were received at the public hearing.

Ninety-five individuals submitted comments during the public comment period. The most common comment was a request for later Canada goose hunting seasons. In addition to the rule-making public comment period, the Department held its annual wildlife listening session (WLS) at 19 locations across the state on February 21, 2018. The WLS is an opportunity for all types of hunters and trappers to provide general input on any wildlife-related topic. Although all comments are considered, the comments from the WLS and the rule-making process are tracked separately because many of those who commented at the WLS also submitted a comment during this multiple species rule-making process. At the WLS, 315 comments relating to waterfowl seasons in Iowa were received. Approximately one-third of the comments focused on Canada geese, and the majority asked for a later end date for the season.

Approximately one-third were not specific to a species but asked for later seasons and the creation of a new “River Zone.” The remaining comments were related to the early teal season or the general duck season.

Changes from the Notice of Intended Action have been made. In review of the scientific data and public input, the Commission revised subrules 91.3(2) to 91.3(4) to increase the previously proposed final split in the 107-day Canada goose season to 10 days (formerly 3 days) for all zones. This change will bring the final day of the Canada goose season to January 12, 2019, in the North Zone; January 19, 2019, in the South Zone; and January 26, 2019, in the Missouri River Zone. Also, subrule 91.1(5) has been revised to reference the daily bag limits adopted by the USFWS as published in the Federal Register.

#### *Adoption of Rule Making*

This rule making was adopted by the Commission on April 12, 2018.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

#### *Effective Date*

This rule making will become effective on June 13, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrules 91.1(2) to 91.1(5) as follows:

**91.1(2) Season dates - north zone.** Special September teal season: September 21 through September 16. For all ducks: ~~September 23 through October 1 and October 14 through December 3.~~ The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.

**91.1(3) Season dates - south zone.** Special September teal season: September 21 through September 16. For all ducks: ~~September 30 through October 4 and October 21 through December 14.~~ The first segment of the season will begin the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.

**91.1(4) Season dates - Missouri River zone.** Special September teal season: September 21 through September 16. For all ducks: ~~October 7 and October 8 and October 21 through December 17.~~ The first segment of the season will begin the second Saturday in October and run for 7 days. The second segment of the season will open the fourth Saturday in October and continue for 53 consecutive days.

**91.1(5) Bag limit.** ~~Special September teal season: The daily bag limit is 6 teal of any species. For all ducks: The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 2 black ducks, 3 wood ducks, 1 pintail, 1 mottled duck, 2 canvasbacks, 2 redheads, and 3 scaup. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. Bag limits are as adopted by the U.S. Fish and Wildlife Service and published in the Federal Register.~~

ITEM 2. Amend subrules 91.3(2) to 91.3(5) as follows:

**91.3(2) Season dates - north zone.** ~~Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): September 23 through October 8 and October 14 through January 1, 2018. Light geese (white and blue-phase snow geese and Ross' geese): September 23 through October 8 and October 14 through January 10, 2018. For all geese: The first segment of the regular goose season will begin the second-to-last Saturday of September and run for a 16-day period. The second segment of the goose season will open the second Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(3) Season dates - south zone.** ~~Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): September 30 through October 8 and October 21 through January 15, 2018. Light geese (white and blue-phase snow geese and Ross' geese): September 30 through October 8 and October 21 through January 24, 2018. For all geese: The first segment of the regular goose season will begin the last Saturday of September and run for a 16-day period. The second segment of the goose season will open the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(4) Season dates - Missouri River zone.** ~~Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): October 7 through October 15 and October 21 through January 15, 2018. Light geese (white and blue-phase snow geese and Ross' geese): October 7 through October 15 and October 21 through January 24, 2018. For all geese: The first segment of the regular goose season will begin the first Saturday of October and run for a 16-day period. The second segment of the goose season will open the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

**91.3(5) Bag limit.** The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese from September 23 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 3. Amend subrules 91.3(8) to 91.3(11) as follows:

**91.3(8) Light goose conservation order season.** Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service ~~from January 25, 2018, through~~ beginning the day after the regular goose season closes and continuing until April 15, 2018.

a. to e. No change.

**91.3(9) Cedar Rapids/Iowa City goose hunting zone.**

a. ~~Season dates. September 2 through September 10~~ The first Saturday in September for nine consecutive days.

b. to d. No change.

**91.3(10) Des Moines goose hunting zone.**

a. ~~Season dates. September 2 through September 10~~ The first Saturday in September for nine consecutive days.

b. to d. No change.

**91.3(11) Cedar Falls/Waterloo goose hunting zone.**

*a. Season dates.* ~~September 2 through September 10~~ The first Saturday in September for nine consecutive days.

*b. to d.* No change.

ITEM 4. Amend rule 571—91.6(481A) as follows:

**571—91.6(481A) Youth waterfowl hunt.** A special youth waterfowl hunt will be held ~~on September 16 and 17 in the north duck hunting zone, September 23 and 24 in the south duck hunting zone, and September 30 and October 1 in the Missouri River~~ the weekend before the first segment of the regular duck season in each duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks, ~~geese~~ and coots. The adult may hunt for any ~~other~~ game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

[Filed 4/20/18, effective 6/13/18]

[Published 5/9/18]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/18.